

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LOWELL P. BURRIS AND  
JOYCE P. BURRIS,

Civil No. 07-3938 (JRT/JJK)

Plaintiffs,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

VERSA PRODUCTS, INC.,  
G AND L PRODUCTS, INC.,  
AND MENARD, INC.

Defendants.

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Dennis R. Letourneau, **LETOURNEAU & ASSOCIATES, PA**, 1660 South Highway 100, Suite 500, St. Louis Park, MN 55416, for plaintiffs.

Matthew D. Sloneker and Richard A. Lind, **LIND, JENSEN, SULLIVAN & PETERSON**, 150 South Fifth Street, Suite 1700, Minneapolis, Minnesota 55402, for defendant Versa Products, Inc. and G and L Products, Inc.

Matthew R. Smith and Steven E. Tomsche, **TOMSCHE, SONNESYN & TOMSCHE**, 610 Ottawa Avenue, North, Minneapolis, MN 56303, for defendant Menard, Inc.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated September 2, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss (Doc. No. 9) is **DENIED**.

DATED: September 16, 2008  
at Minneapolis, Minnesota.

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s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge